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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 GUY ADAM ROOK,

9 Petitioner,

10 v.

11 DONALD HOLBROOK,

12 Respondent.

CASE NO. C18-233 JCC-BAT

**ORDER SETTING DUE DATE FOR  
PETITIONER'S REPLY AND  
RENOTING RESPONSE**

13 On June 10, 2019, the Court granted petitioner's motion to stay the federal habeas  
14 proceedings pending a decision by the Washington State Supreme Court in *State v. Moretti*,  
15 No.95263-9. Dkt. 36. Petitioner requested the stay contending the *Moretti* decision may provide  
16 grounds to file a state court personal restraint petition (PRP) challenging the constitutionality of  
17 his sentence.

18 On August 22, 2019, petitioner filed a notice that the Washington State Supreme Court  
19 decided *State v. Moretti*, No. 95263-9. Dkt. 38. *Moretti* holds a life-without-parole sentence  
20 based upon a first strike committed in late adolescence and early-adulthood does not  
21 categorically violate the Washington Constitution which is more protective than the United  
22 States Constitution. Because this matter was stayed pending the outcome of the *Morretti* appeal,  
23 the Court **ORDERS:**

ORDER SETTING DUE DATE FOR  
PETITIONER'S REPLY AND RENOTING  
RESPONSE - 1

(1) Petitioner shall advise the Court by **August 30, 2019**, whether the federal habeas proceedings should remain stayed because petitioner intends to file a PRP in the state courts based upon the *Morretti* decision.

(2) If petitioner advises that a PRP will not be filed, then petitioner is directed to file a reply brief in opposition to the response filed herein at Dkt. 24. The reply brief will be due no later than **September 23, 2019**.

(3) The clerk shall renote the response, Dkt. 24, for **September 27, 2019**.

DATED this 23<sup>rd</sup> day of August, 2019.

  
BRIAN A. TSUCHIDA  
United States Magistrate Judge